



U.S. Department of Justice

United States Attorney
Southern District of New York

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April 14, 2025

BY ECF

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Travis Sinclair*, 23 Cr. 503 (PMH)

Dear Judge Halpern:

The Government writes to respectfully request clarification regarding this Court's March 13, 2025 order referring *pro se* defendant Travis Sinclair's request for the appointment of counsel to the magistrate judge. Dkt. 80.

In 2022, Sinclair—while on supervised release in connection with his prior federal case—committed an armed robbery of the owner of an auto body shop in Mount Vernon, during which he discharged a firearm. On November 29, 2023, Sinclair pled guilty, pursuant to a written plea agreement with the Government, to one count of Hobbs Act robbery. Sinclair also admitted to violating the terms of his supervised release in his prior case. On December 12, 2024, this Court sentenced Sinclair principally to 144 months' imprisonment, to be followed by a consecutive sentence of 60 months' imprisonment for his violation of supervised release. Judgment was entered the next day, and the time to file a direct appeal has long expired.

By letter dated March 5, 2025, Sinclair submitted a letter to the Court "request[ing] appointment of counsel to help [him] file/prepare a 2255 or 3582 motion." Dkt. 78. In his letter, his sole contention is that his sentence was based on a "career offender enhancement which put [him] at a higher sentence than if I was not a career offender." Dkt. 78. But Sinclair was not sentenced as a career offender at all. After Sinclair submitted his request, his former counsel filed a letter noting that Sinclair was "clearly claiming ineffective assistance of counsel" and "request[ing] new counsel be assigned to assist Mr. Sinclair in filing a habeas petition or to seek whatever relief they deem appropriate." Dkt. 79. By order dated March 13, 2025, this Court so-ordered counsel's request and directed the parties to the magistrate change for a change of counsel proceeding. Dkt. 80.

The Government writes to respectfully request clarification of that order. In his letter, Sinclair requests the appointment of counsel to assist in the filing of a potential habeas or compassionate release motion. But it is well settled that there is no *right* to counsel in a habeas proceeding, *see Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) ("We have never held that

cc: Travis Sinclair (by mail)